

ATTACHMENT 3

Target Area Contract Preference Act (TACPA), Enterprise Zone Act (EZA), and Local Agency Military Base Recovery Act (LAMBRA) Information Package

This solicitation contains new and revised procedures for bidders who wish to apply for TACPA, EZA, or LAMBRA preferences. Included are: a program requirements summary, three updated forms, and two new forms. The procedures were adopted to provide clearer instructions to bidders, offer additional sources from which to obtain information, and to provide the state contracting agency the information needed to make an accurate and fair evaluation. This Attachment provides details regarding the revised procedures and includes:

- Preference Program Requirements Summary
- Standard Form 830, Target Area Contract Preference Act Preference Request
- Standard Form 831, Enterprise Zone Act Preference Request
- Standard Form 832, Local Agency Military Base Recovery Area Act Preference Request
- Procurement Division Form 525, Manufacturer's Summary of Contract Activities and Labor Hours
- Procurement Division Form 526, Bidder's Summary of Contract Activities and Labor Hours.

There are significant changes to this Attachment. Bidders are encouraged to review it carefully to ensure that their submittals conform to the program requirements. Questions may be addressed to the TACPA/EZA/LAMBRA Preference Program Group at (916) 322-3852.

**Target Area Contract Preference Act (TACPA), Enterprise Zone Act (EZA),
and the Local Agency Military Recovery Area Act (LAMBRA)**

PROGRAM REQUIREMENTS SUMMARY

Under the provisions of the TACPA, Government Code Section 4530 et seq., EZA, Government Code Section 7070 et seq., and LAMBRA, Government Code Section 7118 et seq., preferences are available to California based companies that demonstrate and certify under penalty of perjury that at least 50% of the total labor hours for manufactured goods, or 90% of the total labor hours for services (100% in the case of LAMBRA) will be performed in distressed areas. The Acts also make available additional preferences to California based bidders who certify under penalty of perjury to hire persons in targeted employment areas. Bidders are not required to apply for TACPA/EZA/LAMBRA preferences, and denial of preference requests is not a basis for rejection of the bid.

Pre-award Demonstration Requirements

If bidders wish to be considered for the preferences, they must demonstrate and certify that they will comply with the requirements of these Acts. Bidders must complete and submit all included or referenced solicitation preference program forms to be considered for a preference. The information provided must demonstrate that the bidder has the ability to comply with the terms and provisions of the preference programs. The State, as part of its evaluation process, reserves the right to verify, validate, and clarify all information contained in the bid. This may include, but is not limited to, information from bidders, manufacturers, subcontractors and any other sources available at the time of bid evaluation. Refusal to agree to and/or comply with these terms, or failure to provide additional supporting information at the State's request, may result in denial of the preferences requested.

Contract Award Compliance Requirements

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with the statutory, regulatory, and contractual requirements. If awarded the contract, the contractor agrees to: (1) comply with the requirements of the Act(s) and with attendant rules and regulations, (2) allow the state contracting agency to have access to its facilities or premises to inspect, review, obtain and copy all records pertinent to the performance of the contract or to determine compliance with the Act(s), and (3) to retain such records for three years following final payment on the contract.

Contractor agrees, with respect to certification, to hire persons with high risk of unemployment, or from high unemployment areas, and to act in good faith to retain the employees for the duration of the contract, and, if necessary, replace such persons with other persons meeting the same qualifications. Contractors

are to promptly notify the State of the names of persons that have been terminated or who have been absent for more than three consecutive days to communicate the reasons for the termination or absence. Contractors agree, under such circumstances, to consult with the state contracting agency and the Employment Development Department with respect to replacement of such persons. Bidders should review the detailed requirements for TACPA at 2 CCR § 1896.40, Contract Provisions, and for EZA at 2 CCR §1896.110, Contract Provisions.

Contractors who do not comply with the preference reporting requirements or fail to provide the information necessary to monitor compliance are subject to sanctions as set forth in the statutes.